

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**LAWRENCE LITTEN**

**PLAINTIFF**

v.

**CIVIL ACTION NO. 3:07CV91**

**GRENADA COUNTY, MISSISSIPPI, MICHAEL  
LOTT, In His Official and Individual Capacities  
and JOHN DOES, 1-5**

**DEFENDANTS**

**ORDER**

Defendant Grenada County has filed a motion to dismiss the instant action on the basis of the res judicata and/or collateral estoppel effect of an October 3, 2007 order dismissing a similar lawsuit filed by plaintiff in the Circuit Court of Grenada County. Judging from the parties' representations in their briefs, they now appear to agree that defendant's motion is based partly upon a misunderstanding. The parties now appear to agree that an earlier judgment of dismissal, which had been agreed to by the parties in July, 2007, specifically reserved plaintiff's right to maintain an inverse condemnation action, notwithstanding the dismissal. Plaintiff filed this action on July 17, 2007, although he asserted a number of claims other than inverse condemnation claims. In its most recent submission, defendant alternatively argues that this court should not dismiss plaintiff's inverse condemnation claim, although defendant does still seek dismissal of plaintiff's remaining claims.

It appears that defendant's revised motion may be well taken, but considering the rather unclear (and continually evolving) state of the record in this regard, the court will simply express

its understanding that plaintiff is limited to inverse condemnation claims in the instant lawsuit.

Defendant's motion to dismiss appears to have been based partly upon incorrect factual assumptions, and, at this juncture, the court concludes that the proper course is simply to dismiss this motion without prejudice to refiling at a later date. The court encourages the parties to reach their own understanding regarding the scope of the present lawsuit, given that they have previously reached agreements in this context.

It is therefore ordered that defendant's motion to dismiss [9-1] and plaintiff's motion to continue [15-1] are dismissed.

So ordered, this the 15<sup>th</sup> day of May, 2008.

/s/ MICHAEL P. MILLS  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF MISSISSIPPI**